

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company (U39M) for recovery of recorded expenditures related to wildfire mitigation and catastrophic events, as well as other recorded costs.

Application 20-09-019

**DECISION GRANTING COMPENSATION TO THE UTILITY REFORM NETWORK
FOR SUBSTANTIAL CONTRIBUTION TO DECISION 23-02-017**

Intervenor: The Utility Reform Network	For contribution to Decision (D.) 23-02-017
Claimed: \$470,158.13	Awarded: \$455,391.25
Assigned Commissioner: Alice Reynolds	Assigned ALJ: Amin Nojan

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	Decision 23-02-017 adopts a Settlement Agreement which resolves numerous reasonableness review issues concerning PG&E's recorded costs for 1) wildfire mitigation activities in 2019, and 2) activities in response to emergency events in 2019, whose costs were recorded to the Catastrophic Event Memorandum Account. The Settlement Agreement disallows approximately 20% of the revenue requirements associated with the recorded costs, and authorizes collection of future capital-related revenue requirements as approved in future rate cases.
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812¹:

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	12/04/2020	Verified
2. Other specified date for NOI:		
3. Date NOI filed:	12/18/2020	Verified
4. Was the NOI timely filed?		Yes
Showing of eligible customer status (§ 1802(b)) or eligible local government entity status (§§ 1802(d), 1802.4):		
5. Based on ALJ ruling issued in proceeding number:	R.19-01-011; R.20-08-021	R.20-08-021
6. Date of ALJ ruling:	Jul. 26, 2019; Dec. 11, 2020	December 11, 2020
7. Based on another CPUC determination (specify):	N/A	
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes
Showing of "significant financial hardship" (§1802(h) or §1803.1(b)):		
9. Based on ALJ ruling issued in proceeding number:	R.19-01-011; R.20-08-021	R.20-08-021

¹ All statutory references are to California Public Utilities Code unless indicated otherwise.

	Intervenor	CPUC Verification
10. Date of ALJ ruling:	Jul. 26, 2019; Dec. 11, 2020	December 11, 2020
11. Based on another CPUC determination (specify):	N/A	
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.23-02-017	Verified
14. Date of issuance of Final Order or Decision:	02/08/2023	Verified
15. File date of compensation request:	03/21/2023	Verified
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I: (use line reference # as appropriate)

#	Intervenor's Comment(s)	CPUC Discussion
B5, B6, B9, B10	California Public Utilities Code § 1804(b)(1) provides, “[a] finding of significant financial hardship shall create a rebuttable presumption of eligibility for compensation in another commission proceeding commencing within one year of the date of that finding.” This proceeding commenced in the window of time between the expiration on July 26, 2020, of TURN’s finding of significant financial hardship made by ALJ Ruling in R.19-01-011 on July 26, 2019, and the finding of significant financial hardship made by ALJ Ruling in R.20-08-021, on December 11, 2020. TURN accordingly refers the Commission to TURN’s annual showing of financial hardship presented in the NOI filed by TURN on July 9, 2020, in A.20-03-004, where no ruling has issued. This is the same showing that formed the basis for the financial hardship finding made in R.20-08-021. (See Administrative Law Judge’s Ruling on The Utility Reform Network’s Showing of Significant Financial Hardship (R.20-08-021), issued December 11, 2020, at pp. 6-7.)	Noted

PART II: SUBSTANTIAL CONTRIBUTION**A. Did the Intervenor substantially contribute to the final decision (see § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059): (For each contribution, support with specific reference to the record.)**

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>1. Contribution to Settlement Agreement Adopted in Final D.23-02-017</p> <p>a) Authorized Revenue Requirement Recovery</p> <p>While TURN was not a signatory to the Settlement Agreement, TURN participated actively in settlement negotiations. Without disclosing protected information, TURN suggests that our contribution to the Settlement Agreement can be easily inferred by comparing the litigation positions of the parties, as detailed in the “Joint Summary Table – Attachment A,” included as Appendix 2 to the final decision.</p> <p>For example, the Joint Summary Table shows that Cal Advocates’ litigation position was for recovery of \$947 million in O&M expenses (translating directly into RRQs), while TURN’s litigation position was for recovery of \$592 million in O&M expenses. The Settlement called for recovery of \$958 million in O&M revenue requirements, or almost exactly equal to the Cal Advocates litigation position. A similar outcome is evident for capital expenditures, though the translation from costs to revenue requirements is not direct.</p> <p>It is reasonable to conclude that a party would not “settle” a case at the litigation position of the opposing party. One can reasonably conclude that TURN’s participation in settlement negotiations contributed to the final outcome proposed by parties, despite the fact that TURN did not join the Settlement Agreement due to</p>	<p>D.23-02-017, Appendix 2.</p>	<p>Noted. While TURN claims that it is reasonable to attribute the difference in litigation positions prior to and included in the settlement to TURN’s participation, there are other equally reasonable possibilities for the differences. Due to the fact that settlement discussions are subject to confidentiality restrictions, (Cal. Code Regs., tit. 20 § 12.6.), TURN is unable to point to specific actions to support its claim.</p>

<p>our concerns about the treatment of capital expenditures.</p> <p>b) Treatment of Capital Expenditures</p> <p>TURN recommended that 19% of the capital expenditures be disallowed permanently and removed from rate base, based on a lack of finding that all of the capital expenditures were reasonable.</p> <p>The final decision rejected this recommendation, but held that the treatment of future revenue requirements for all of the capital expenditures should be addressed in future rate cases.</p> <p>c) Cost Allocation</p> <p>TURN submitted testimony arguing that cost allocation should follow the allocation adopted in PG&E's GRC Phase II proceeding (A.19-11-019).</p> <p>In its rebuttal testimony PG&E agreed with TURN's recommendation, and the Commission adopted this position.</p>	<p>TURN Comments on SA, Oct. 28, 2022, pp. 8-15.</p> <p>D.23-02-017, Section 7.1.1.6 and COL 7.</p> <p>TURN OB, July 23, 2021, p. 57.</p> <p>D.23-02-017, Section 8.</p>	<p>Nonetheless, due to TURN's extensive participation and detailed analysis of the settlement, the Commission concludes that TURN's contribution to the settlement is compensable.</p>
<p>2. Contributions to Alternate Proposed Decision</p> <p>a) Modification of Settlement Agreement to Address Capital Expenditures</p> <p>TURN recommended that 19% of the capital expenditures be disallowed permanently and removed from rate base, based on a lack of finding that all of the capital expenditures were reasonable.</p> <p>The APD agreed with TURN and proposed a modification to the Settlement Agreement to permanently disallow 19% of the capital expenditures.</p>	<p>TURN Comments on SA, Oct. 28, 2022, pp. 8-15.</p> <p>TURN Reply Comments on APD, pp. 1-4.</p> <p>APD, Oct. 11, 2022, Section 7.1.1.7 and p. 30; FOF 16-20; COL 5-6.</p>	<p>Verified</p>

<p>3. Contributions to Proposed Decision of ALJ Nojan</p> <p>a) Reasonableness of Settlement Agreement</p> <p>TURN argued that the Settlement Agreement was not reasonable due to lack of clarity, lack of permanent disallowance of capital expenditures, and inadequate disallowances of vegetation management expenses.</p> <p>The PD agreed that the Settlement Agreement was not reasonable or in the public interest.</p> <p>b) Vegetation Management (AWRR)</p> <p>TURN recommended a disallowance of \$122 million due to excessive removal of trees.</p> <p>The PD agreed in full.</p> <p>c) Vegetation Management (EVM)</p> <p>TURN recommended a disallowance of \$260 million due to work done in lower risk/lower priority areas.</p> <p>The PD agreed in full.</p> <p>d) System Hardening – Circuit Selection</p> <p>TURN recommended a disallowance of \$44 million because 31 out of 113 miles of hardening was done on the bottom 5% (by risk) of circuits.</p> <p>The PD agreed in full.</p> <p>e) System Hardening – Scope of Work</p> <p>TURN recommended a disallowance of \$116 million due to unnecessary asset replacement.</p> <p>The PD agreed but calculated a lower</p>	<p>TURN Comments on SA, Oct. 28, 2022, pp. 8-18.</p> <p>ALJ PD, Section 3 and pp. 13-15.</p> <p>TURN OB, July 23, 2021, pp. 9-15. (AWRR) ALJ PD Section 6.1 and pp. 25-26.</p> <p>TURN OB, July 23, 2021, pp. 15-22. (EVM) ALJ PD, Section 7.1.1 and pp. 33-34.</p> <p>TURN OB, July 23, 2021, pp. 23-29. (SH) ALJ PD, Section 7.2.2.2 and pp. 42-43.</p> <p>TURN OB, July 23, 2021, pp. 29-37. (SH) ALJ PD, Section 7.2.2.3 and pp. 44-46.</p>	<p>Verified</p>
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<p>disallowance of \$102.5 million.</p> <p>f) Inspection and Repair (WSIP)</p> <p>TURN recommended a disallowance of \$85.6 million due to premium for work that should have been performed in the past.</p> <p>The PD did not adopt this recommendation.</p> <p>g) PSPS</p> <p>TURN recommended a disallowance of \$37 million due to mismanagement of response to Oct. 2019 events.</p> <p>The PD did not adopt this recommendation.</p> <p>h) CEMA – Straight Time Labor</p> <p>TURN supported the PAO recommendation to disallow \$132.5 million due to funding in rate case for labor.</p> <p>The PD agreed with this recommendation.</p>	<p>TURN OB, July 23, 2021, pp. 40-44.</p> <p>(WSIP) ALJ PD, Section 7.3.</p> <p>TURN OB, July 23, 2021, pp. 48-55.</p> <p>(PSPS) ALJ PD, Section 7.5.1.</p> <p>TURN OB, July 23, 2021, pp. 55-56.</p> <p>(CEMA) ALJ PD, Section 5.1 and pp. 22-23.</p>	
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A. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
a. Was the Public Advocate's Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?	Yes	Verified
b. Were there other parties to the proceeding with positions similar to yours?	Not on the issues covered by TURN	TURN participated on issues similar to those addressed by Cal Advocates, and supported a recommendation of Wild Tree with respect to CEMA cost recovery.
c. If so, provide name of other parties:		TURN, Cal Advocates
d. Intervenor's claim of non-duplication:		In its reply to the APD,

	Intervenor's Assertion	CPUC Discussion
a. Was the Public Advocate's Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?	Yes	Verified
<p>TURN coordinated with Cal Advocates during the proceeding. As can be seen from a review of the Proposed Decision, TURN proposed several major disallowances concerning both vegetation management and system hardening that were completely different from the disallowances proposed by Cal Advocates. TURN provided additional reasoning for the CEMA straight-time labor disallowance. TURN also provided additional argument to support recommendations made by Wild Tree Foundation regarding certain CEMA costs.</p> <p>The Commission should find that TURN's participation was efficiently coordinated with the participation of other intervenors wherever possible, so as to avoid undue duplication and to ensure that any such duplication served to supplement, complement, or contribute to the showing. Consistent with such a finding, the Commission should determine that all of TURN's work is compensable consistent with the conditions set forth in Section 1802.5.</p>		<p>TURN supported the recommendations of Wild Tree regarding CEMA cost recovery for certain activities. Because the work on CEMA for which TURN claims hours is a different issue, there is no duplication of effort. Similarly, while both TURN and Cal Advocates made a number of recommendations regarding disallowance of recovery for amounts recorded for various accounts, the reasons for the recommended disallowances differed. There is no duplication of effort.</p>

B. Additional Comments on Part II: (use line reference # or letter as appropriate)

#	Intervenor's Comment	CPUC Discussion
1	<p>Citations to the Record</p> <p>In the "specific references" section above, TURN primarily provides references to our Opening Brief (OB) and/or our Comments on the Settlement Agreement (SA). However, all of the issues were also addressed in TURN's testimony (Ex. TURN-01-Rev1), as well as in other filings, such as comments on proposed decisions. For ease of presentation, TURN did not provide all of those specific references, but would be happy to supplement this compensation request if the Commission so desires.</p>	Noted
2	<p>Contributions to Proposed Decisions</p>	Noted

#	Intervenor's Comment	CPUC Discussion
	<p>The Commission has repeatedly held that an intervenor's contribution to a final decision may be supported by contributions to a proposed decision, even where the Commission's final decision does not adopt the proposed decision's position on a particular issue. D.92-08-030, <i>mimeo.</i> at 4; D.96-08-023, <i>mimeo.</i> at 4; D.96-09-024, <i>mimeo.</i> at 19. The Commission has granted compensation where a parties' participation contributed to the decision-making process even if specific recommendations were not adopted, and where a parties' showing assisted the Commission in its analysis of an issue. For example, D.98-11-014, p. 8 ("TURN contributed to D.97-08-055 by raising this issue and developing the record on the implications of this conflict."); D.00-07-015 (the Commission found that an intervenor had made a substantial contribution even where a settlement was adopted over the intervenor's objection, because its participation "contributed to the ... development of the record" and enhanced the Commission's understanding of the underlying issues).</p>	
3	<p>Contributions to Settlement Agreement</p> <p>While the Commission has held that mere "participation in settlement negotiations" is not sufficient to guarantee productive participation, it has also recognized that active participation in settlements does justify compensation, especially when it contributes to the development of a record that assists the Commission. D.00-07-046, <i>mimeo.</i> at 6; D.00-07-015, <i>mimeo.</i> at 5.</p> <p>As explained in the contributions section, even though TURN was not a signatory to the adopted Settlement Agreement and opposed the agreement, TURN believes the factual record clearly illustrates that TURN's participation in negotiations significantly improved the terms of the Settlement Agreement. TURN's opposition to the Settlement Agreement contributed to multiple findings in the original Proposed Decision and Alternate Proposed Decision, even though the final decision did not modify the Settlement Agreement.</p>	Noted
4	Partial Success	Noted

#	Intervenor's Comment	CPUC Discussion
	<p>The Commission should compensate TURN for all work in this proceeding, despite the fact that the Commission did not adopt some of TURN's recommendations, and adopted the Settlement Agreement which TURN opposed.</p> <p>Such an outcome is consistent with the statutory definition of "substantial contribution" in Section 1802 of the PU Code, which states that a contribution results because the Commission "has adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations presented by the customer." The standard for an award of intervenor compensation is whether TURN made a substantial contribution to the Commission's decision and to the Commission's deliberations, as reflected especially in proposed decisions, not whether TURN prevailed on all issues.</p> <p>The Commission has interpreted the "in whole or in part" provision, in conjunction with Section 1801.3, so as to effectuate the legislature's intent to encourage effective and efficient intervenor participation. The Commission has established as a general proposition that when a party makes a substantial contribution in a multi-issue proceeding, it is entitled to compensation for time and expenses even if it does not prevail on some of the issues. See, for example, D.98-04-028 (awarding TURN full compensation in CTC proceeding, even though TURN did not prevail on all issues); D.98-08-016, pp. 6, 12 (awarding TURN full compensation in SoCalGas PBR proceeding); D.00-02-008, pp. 4-7, 10 (awarding TURN full compensation even though we unsuccessfully opposed settlement).</p> <p>In this case, as detailed in the Substantial Contributions section, TURN's contributions to the adopted Settlement Agreement can be inferred from the facts of the case, even though TURN opposed the final Settlement Agreement; and the ALJ Proposed Decision agreed with most of TURN's substantive recommendations.</p>	

PART III: REASONABLENESS OF REQUESTED COMPENSATION**A. General Claim of Reasonableness (§ 1801 and § 1806):**

	CPUC Discussion
<p>a. Intervenor’s claim of cost reasonableness:</p> <p>TURN’s contribution to the Settlement Agreement contributed to the immediate benefit of a reduction of about 20%, or approximately \$226 million (\$1,184-\$958, see Appendix 2 of D.23-02-017), in expenses that will be recovered from PG&E ratepayers. Ratepayers will save another \$17 million (\$96.29-\$79.006) in revenue requirements due to the six-year reduction in the capital-related portion of the revenue requirement.</p> <p>If the PD had been adopted, ratepayer savings in just expenses would have totaled approximately \$500 million (1184-684, see ALJ PD, Table on p. 75). There would have been significant additional long-term ratepayer benefits due to capital disallowances.</p>	Noted
<p>b. Reasonableness of hours claimed:</p> <p>TURN spent approximately 676 hours of substantive attorney time and 310 hours of expert witness time in the proceeding. TURN suggests that the task of conducting a reasonableness review of approximately \$2 billion in spending on various wildfire mitigation activities justified the significant expenditure of time and resources on this proceeding, which included full testimony, hearings and briefing, and which resulted in significant ratepayer savings of over \$200 million in actual recorded costs.</p> <p>Attorney Time:</p> <p>Three TURN attorneys devoted significant time to this proceeding. The use of three attorneys was necessary in order to allocate the major issues in this case.</p> <p>Ms. Camille Stough worked primarily on the vegetation management issues in the case. Ms. Katy Morsony focused on PSPS issues, and was the lead during settlement negotiations. Mr. Marcel Hawiger was responsible for the system hardening and inspection/repair issues. Each of these attorneys also covered for others as needed to address scheduling conflicts.</p> <p>Each of these attorneys has practiced extensively before the Commission and is skilled in the substance and practice of litigation at the CPUC.</p>	<p>Noted. However, with respect to “Meetings or Discussions Involving More than One TURN Attorney or Expert,” Ms. Stough identified significantly more hours than the others, some of which are not compensable. See discussion in Part III.D. below regarding adjustments.</p> <p>In addition, Ms. Stough allocated a number of hours to testimony, which was sponsored by 3 other witnesses; some of these hours</p>

	CPUC Discussion
<p>Four other attorneys worked limited number of hours on the case. These attorneys participated either because of their unique knowledge of certain specific issue areas, or to assist or cover for other attorneys due to scheduling issues.</p> <p>Expert Time:</p> <p>The data analyses and testimony on all of the issues addressed by TURN in this proceeding were performed by TURN's in-house Energy Policy Analyst, Eric Borden. Mr. Borden joined TURN in February 2015. Prior to TURN, Mr. Borden worked as a consultant in energy and finance for approximately seven years. His resume is included as Appendix 2 to Exhibit TURN-01-Rev1.</p> <p>TURN retained the expert services of Mr. Dennis Stephens to assist with technical engineering analysis concerned the scope of covered conductor system hardening work. Specifically, Mr. Stephens developed the engineering estimate of the proper scope and cost of asset replacement for system hardening which formed the basis of TURN's recommended disallowance for unnecessary asset replacement.</p> <p>Mr. Stephens is a former utility distribution engineer with extensive engineering work experience. He has testified previously before the CPUC. His resume is included as Appendix 2 to Exhibit TURN-01-Rev1.</p> <p><u>Meetings or Discussions Involving More Than One TURN Attorney or Expert</u></p> <p>A relatively small percentage of hours and hourly entries reflect internal and external meetings involving two or more of TURN's attorneys and expert witnesses. In some past compensation decisions, the Commission has deemed such entries as reflecting internal duplication that is not eligible for an award of intervenor compensation. TURN notes that such meetings among TURN's attorneys and expert witnesses are essential to the effective development and implementation of TURN's strategy for the proceeding. None of the attendees are there in a duplicative role – each is an active participant, bringing his or her particular knowledge and expertise to bear on the discussions. Furthermore, due to various scheduling constraints arising during a lengthy litigated case, some meetings are necessary to ensure coordination necessary for adequate coverage of the case.</p>	<p>are not compensable. See discussion in Part III.D. below regarding adjustments.</p> <p>Both Ms. Stough and Ms. Morsony allocated hours for proofreading, cite checking and arranging service, which are clerical tasks and non-compensable. See discussion in Part III.D. below regarding adjustments.</p>

		CPUC Discussion																							
<p>c. Allocation of hours by issue:</p> <p>TURN allocates attorney and expert witness time either by substantive issue area or, when an issue area cannot be easily assigned, by activity code, as evident on our attached timesheets.</p> <p>Certain activities are not separable by issue and are inherent to participation in any proceeding (for example, discovery disputes, case management, general work necessary for participation, hearing preparation, etc.). TURN generally codes such work using the activity code “GP.” Sometimes work related to preparing pleadings, preparing testimonies, or reading documents, encompasses multiple issues, and is coded using the “#” symbol.</p>		<p>TURN’s claim is quite difficult to follow. Pages 12-13 of this claim list 11 “Issue Codes” and 5 “Issues.” 4 Issue Codes and Issues are identical, but one Issue contains multiple Issue Codes: WSIP, and CEMA (as well as CaseMng, which is not listed in the 11 Issue Codes).</p> <p>Turning to the Supporting Claim Worksheet, the issue tab contains two tables. The first one identifies hours by attorney by year and uses 14 topics. The second table identifies 12 Issue Codes (the 11 Issue Codes included in the Icomp PD document plus Cost Allocation), and the same 5 Issues that are included in the Icomp PD document. The first table includes the 12 Issue Codes in the second table plus Proc and CaseMng. In sum, it required considerable time and multiple emails with TURN to sort out how they allocated hours.</p>																							
<table><tr><th>Issue Code</th><th>Description of Issue</th></tr><tr><td>SH</td><td>System Hardening - Analysis of reasonableness of covered conductor installation by location and scope</td></tr><tr><td>VM</td><td>Vegetation Management - Analysis of reasonableness of AWRR and EVM activities</td></tr><tr><td>PSPS</td><td>Reasonableness of PSPS costs</td></tr><tr><td>WSIP</td><td>Reasonableness of accelerated inspections and repairs</td></tr><tr><td>CEMA</td><td>Straight time labor fro CEMA work</td></tr><tr><td>Settle</td><td>All work related to participating in settlement negotiations and responding to settlement agreement</td></tr><tr><td>Disc</td><td>Discovery issues</td></tr><tr><td>Coord</td><td>Coordination with other intervenors</td></tr><tr><td>PD</td><td>Comments on proposed decisions</td></tr><tr><td>#</td><td>Multi-issue work</td></tr><tr><td>GP</td><td>General work necessary for participation (reviewing other pleadings, etc.)</td></tr></table>			Issue Code	Description of Issue	SH	System Hardening - Analysis of reasonableness of covered conductor installation by location and scope	VM	Vegetation Management - Analysis of reasonableness of AWRR and EVM activities	PSPS	Reasonableness of PSPS costs	WSIP	Reasonableness of accelerated inspections and repairs	CEMA	Straight time labor fro CEMA work	Settle	All work related to participating in settlement negotiations and responding to settlement agreement	Disc	Discovery issues	Coord	Coordination with other intervenors	PD	Comments on proposed decisions	#	Multi-issue work	GP
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			CPUC Discussion																		
<p>In order to approximate the allocation of time by specific “issue,” TURN first totaled the issue-specific work conducted by all attorneys and experts based on time entries; then, TURN reviewed the pleadings and time entries to approximate the allocation by issue of time spent on specific tasks (for example, preparing comments on the Proposed Decisions, participating in hearings) or time coded as GP or #. As a result, TURN roughly approximates the allocation of all time by substantive issue as follows:</p> <table><tr><th>Issue</th><th>% of Time</th><th></th></tr><tr><td>System Hardening</td><td>20</td><td></td></tr><tr><td>Vegetation Management</td><td>35</td><td></td></tr><tr><td>PSPS</td><td>1the 5</td><td></td></tr><tr><td>Inspection and Repair (WSIP); CEMA; CA and case management</td><td>10</td><td></td></tr><tr><td>Settlement Agreement</td><td>20</td><td></td></tr></table>			Issue	% of Time		System Hardening	20		Vegetation Management	35		PSPS	1the 5		Inspection and Repair (WSIP); CEMA; CA and case management	10		Settlement Agreement	20		<p>This is an admittedly complicated case, and the Commission is not disallowing hours for the confusing nature of the claim but encourages TURN to develop a more transparent method of tracking hours in complicated cases in the future.</p>
Issue	% of Time																				
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B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Attorney								
Camille Stough, TURN Staff Attorney	2021	234.75	\$400.00	Res. ALJ-393	\$ 93,900.00	212.75 [1]	\$370 [4]	\$78,717.50
Camille Stough, TURN Staff Attorney	2022	21.25	\$415.00	Res. ALJ-393, 2021 Rate plus 3.3% COLA	\$ 8,818.75	21.25	\$380 [5]	\$8,075.00

CLAIMED						CPUC AWARD		
David Cheng, TURN Staff Attorney	2021	0.75	\$425.00	D.22-05-027	\$ 318.75	0.75	\$425	\$318.75
Hayley Goodson, TURN Staff Attorney	2021	0.50	\$550.00	D.21-12-046	\$ 275.00	0.50	\$550	\$275.00
Katy Morsony, TURN Staff Attorney	2020	4.75	\$375.00	D.21-01-016	\$ 1,781.25	4.75	\$375	\$1,781.25
Katy Morsony, TURN Staff Attorney	2021	191.50	\$500.00	D.22-07-021	\$ 95,750.00	191.00 [2]	\$500	\$95,500.00
Katy Morsony, TURN Staff Attorney	2022	3.25	\$515.00	Res. ALJ-393, 2021 Rate plus 3.3% COLA	\$ 1,673.75	3.25	\$515 [6]	\$1,673.75
Katy Morsony, TURN Staff Attorney	2023	1.00	\$565.00	Res. ALJ-393, 2022 Rate plus 4.5% COLA plus 5% step increase	\$ 565.00	1.00	\$565 [7]	\$565.00
Marcel Hawiger, TURN Staff Attorney	2020	14.75	\$455.00	D.21-05-010	\$ 6,711.25	14.75	\$455	\$6,711.25
Marcel Hawiger, TURN Staff Attorney	2021	166.75	\$650.00	D.22-07-021	\$108,387.50	166.75	\$650	\$108,387.50
Marcel Hawiger,	2022	17.50	\$670.00	D.23-03-042	\$ 11,725.00	17.50	\$670	\$11,725.00

CLAIMED						CPUC AWARD		
TURN Staff Attorney								
Marcel Hawiger, TURN Staff Attorney	2023	3.75	\$735.00	Res. ALJ-393, 2022 Rate plus 4.5% COLA plus 5% step increase	\$ 2,756.25	3.75	\$735 [8]	\$2,756.25
Robert Finkelstein, TURN General Counsel	2021	11.50	\$780.00	D.22-06-018	\$ 8,970.00	11.5	\$780	\$8,970.00
Robert Finkelstein, TURN General Counsel	2022	1.00	\$805.00	Res. ALJ-393, 2021 Rate plus 3.3% COLA	\$ 805.00	1.00	\$805 [9]	\$805.00
Thomas Long, TURN Legal Director	2020	0.25	\$630.00	D.21-01-016	\$ 157.50	0.25	\$630	\$157.50
Thomas Long, TURN Legal Director	2021	0.75	\$780.00	D.22-06-018	\$ 585.00	0.75	\$780	\$585.00
Expert								
Eric Borden, TURN Energy Policy Analyst	2020	34.50	\$220.00	D.21-05-014	\$ 7,590.00	34.50	\$220	\$7,590.00
Eric Borden, TURN Energy Policy Analyst	2021	245.75	\$430.00	D.21-12-049	\$105,672.50	245.75	\$430	\$105,672.50

CLAIMED						CPUC AWARD		
Dennis Stephens, DS Consulting	2021	29.75	\$315.00	Res. ALJ-393 - New Rate	\$ 9371.25	29.75	\$315 [10]	\$9,371.25
Subtotal: \$ 465,813.75						Subtotal: \$449,637.50		
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Stephen Green, TURN Legal Assistant	2021	13.75	\$130.00	D.22-05-026	\$ 1,787.50	7.75 [3]	\$130	\$1,007.50
Subtotal: \$ 1,787.50						Subtotal: \$1,007.50		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Katy Morsony, TURN Staff Attorney	2020	1.00	\$187.50	D.21-01-016	\$ 93.75	1.00	\$187.50	\$187.50
Marcel Hawiger, TURN Staff Attorney	2020	0.25	\$227.50	D.21-05-010	\$ 28.44	0.25	\$227.50	\$56.88
Marcel Hawiger, TURN Staff Attorney	2023	12.25	\$367.50	New Rate	\$ 2,250.94	12.25	\$367.50	\$4,501.88
Subtotal: \$ 2,373.13						Subtotal: \$4,746.25		
TOTAL REQUEST: \$ 470,158.13						TOTAL AWARD: \$455,391.25		

*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors' records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.

CLAIMED			CPUC AWARD
**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer's normal hourly rate			
ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR ²	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Robert Finkelstein	June 1990	146391	No
Marcel Hawiger	January 1998	194244	No
Thomas Long	December 1986	124776	No
Katy Morsony	December 2011	281538	No
Camille Stough	June 2016	309555	No
David Cheng	June 2015	303794	No
Hayley Goodson	December 2003	228353	No

C. Attachments Documenting Specific Claim and Comments on Part III:
(Intervenor completes; attachments not attached to final Decision)

Attachment or Comment #	Description/Comment
Attachment 1	Certificate of Service
Attachment 2	Attorney and Expert Time Sheet Detail
Attachment 4	TURN Hours Allocated by Issue
Attachment 4	CV for Dennis Stephens
Comment 1	Hourly Rates for 2021 and 2022 All of the hourly rates for 2021 and 2022 have either been previously authorized by the Commission, or are based on the escalation of adopted 2021 rates as authorized by Resolution ALJ-393. The only exception is the 2021 rate for Mr. Dennis Stephens, discussed in Comment #2.
Comment 2	Hourly Rate for Dennis Stephens for 2021 TURN requests an hourly rate of \$315 for Mr. Stephens for 2021 based on the standards established in Resolution ALJ-393.

² This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

Attachment or Comment #	Description/Comment
	<p>In this proceeding, Mr. Stephens provided about 30 hours of consulting assistance regarding grid hardening and the estimated cost of covered conductor installation, as reflected in Appendix 1 of Ex. TURN-01-Rev1.</p> <p>The Commission authorized an hourly rate of \$270 for Mr. Stephens for 2020 in D.22-08-050. In this case, Mr. Stephens actually charged TURN an hourly rate of \$325 for limited consulting work. TURN does not seek reimbursement for his entire hourly rate, but requests that the Commission authorize an hourly rate of \$315 for Mr. Stephens for 2021, and provides the following information consistent with the requirements of Resolution ALJ-393:</p> <p>Intervenor Representative: Dennis Stephens Labor Role: Electrical Engineer Level: V 2021 Hourly Rate Range: \$226.17 - \$318.01 Requested Hourly Rate: \$315 Current Resume: See Attachment 2 Justification for the Requested Hourly Rate:</p> <p>As detailed in his resume, Mr. Stephens is an electrical engineer with over thirty-five years of experience as a distribution electrical engineer, with increasingly senior positions at Xcel Energy, including Director of Electric and Gas Operations, Director of Electric Distribution Asset Strategy, and Director of Innovation and Smart Grid Investments. Mr. Stephens' extensive experience as a senior distribution engineer make him eligible for the high end of the hourly rate scale for an Electrical Engineer - Level V. TURN is not aware of any other distribution engineer with a similar level of experience who can provide consulting services in litigation at the CPUC.</p>
Comment 3	<p>Hourly Rates for 2023</p> <p><u>Marcel Hawiger</u></p> <p>TURN requests that the Commission adopt a 2023 hourly rate of \$735 for TURN Attorney Marcel Hawiger. This rate is equal to the hourly rate of \$670 authorized by the Commission in D.23-03-042 for Mr. Hawiger's work in 2022, adjusted by both the annual escalation methodology adopted in Resolution ALJ-393 and the first 5% step increase for Mr. Hawiger in the Attorney – Level V experience tier.</p> <p>The annual escalation methodology adopted in Res. ALJ-393 is based on the annual percentage change in the Bureau of Labor Statistics Employment Cost Index, Table 5, for the Occupational Group "Management, Professional, and Related excluding Incentive Paid Occupations." (Res. ALJ-393, p. 4; Intervenor Compensation Market Rate Study, Final Report,</p>

Attachment or Comment #	Description/Comment
	<p>p. 8). The percent change for this occupational group for the 12-months ended December 2022 is 4.5%. See https://www.bls.gov/news.release/eci.t05.htm.</p> <p>Res. ALJ-393 additionally permits intervenor representatives to claim up to two 5% annual “step increases” within each labor role experience tier, as long as their final requested rate does not exceed the maximum approved rate for that experience level. (Res. ALJ-393, p. 5). The maximum approved rate for an Attorney - Level V is \$699 for work conducted in 2021, which escalates to \$755 in 2023 by applying the 3.3% 2022 COLA and then the 4.5% 2023 COLA. The requested 2023 rate for Mr. Hawiger of \$735 is thus below the maximum 2023 rate for an Attorney – Level V.</p> <p><u>Katy Morsony</u></p> <p>TURN requests that the Commission adopt a 2023 hourly rate of \$565 for Katy Morsony.</p> <p>In D.22-07-021, the Commission adopted a rate of \$500 for Ms. Morsony’s work in 2021, recognizing her as an Attorney – Level III. For 2022, TURN requests that the Commission increase Ms. Morsony’s authorized 2021 rate by 3.3%, which is the escalation rate resulting from the method adopted in Res. ALJ-393, based on the annual percentage change in the Bureau of Labor Statistics Employment Cost Index, resulting in a 2022 rate of \$515.</p> <p>In 2023 Ms. Morsony moved into the Attorney – Level IV tier based on her 11 years of experience as an attorney. The 2023 rate requested by TURN is based on escalating the 2022 rate by 4.5%, which is the escalation rate resulting from the method adopted in Resolution ALJ-393 (see https://www.bls.gov/news.release/eci.t05.htm), together with the first 5% step increase for Ms. Morsony in the Attorney – Level IV experience tier.</p> <p>Res. ALJ-393 permits intervenor representatives to claim up to two 5% annual “step increases” within each labor role experience tier, as long as their final requested rate does not exceed the maximum approved rate for that experience level. (Res. ALJ-393, p. 5). The maximum approved rate for an Attorney – Level IV is \$619.29 for work conducted in 2021, which escalates to \$668.51 in 2023 by applying the 3.3% 2022 COLA and then the 4.5% 2023 COLA. The requested 2023 rate of \$565 is thus below the maximum 2023 rate for an Attorney – Level III.</p>

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1] Stough Disallowances for 2021 Vegetation Management, 2021 Settlement, and Multi-Issue Work.	<p>With respect to “Meetings or Discussions Involving More than One TURN Attorney or Expert,” Ms. Stough identified significantly more hours (approximately 67) than the other attorneys and TURN’s expert. It is difficult to be precise because many time entries contain more than one activity, but she appears to have allocated approximately twice the hours of Ms. Morsony, and 40% more than the hours of Mr. Hawinger to meetings and discussions. Although she worked more hours than either of the others, the amount of time allocated to meetings and discussions is disproportional and unreasonable. All but 1.5 of these hours occurred in 2021 and are largely allocated to vegetation management and settlement. Her 2021 vegetation management hours are reduced by 12 (see below for additional reductions), and her 2021 Settlement hours are reduced by 3 from 16 to 13.</p> <p>In addition, Ms. Stough identifies approximately 20 hours associated with the preparation of TURN’s testimony, which was sponsored by Mr. Borden, Mr. Stephens, and Mr. Finkelstein. This is significantly more hours than Mr. Stephens (.25 hours) and Mr. Finkelstein (.25 hours) combined. While attorneys are responsible for reviewing testimony, allocating 20% of total testimony hours to reviewing testimony prepared by highly qualified experts is unreasonable. Ms. Stough’s VM 2021 vegetation management hours are further reduced by 5. Combined with the reductions identified above, her total 2021 vegetation management hours are reduced by 17 from 192 to 175.</p> <p>Finally, Ms. Stough identified several hours of clerical tasks. Cite checking, proofreading, and ensuring service are not compensable when performed by attorneys. Ms. Stough’s 2021 hours for multi-issue work are reduced by 2 from 10.5 to 8.5.</p> <p>In sum, Ms. Stough’s total 2021 hours are reduced from 234.75 by 22 to 212.75.</p>
[2] Morsony Disallowances for 2021 Multi-Issue Work	<p>Ms. Morsony identifies coordinating logistics of service, which is a clerical task. Ms. Morsony’s hours for 2021 multi-issue work are reduced by .5 from 17.5 to 17. Her total 2021 hours are reduced by .5 from 191.5 to 191.</p>
[3] Green Disallowances for 2021 Case Management Work	<p>Mr. Green’s hours for 2021 appear to be devoted to both paralegal and clerical tasks. His hours for 2021 case management – which are also his total hours for 2021 - are reduced by 13.75 by 6 to 7.75.</p>

Item	Reason
[4] Stough 2021 Rate	D.23-02-037 approved a 2021 rate of \$370 for Stough.
[5] Stough 2022 Rate	D.23-02-037 approved a 2021 rate of \$370 for Stough. We apply the 2022 escalation of 3.31% to Stough's approved 2021 rate for a 2022 rate of \$380 after rounding to the nearest five-dollar increment.
[6] Morsony 2022 Rate	D.22-07-021 approved a 2021 rate of \$500 for Morsony. We apply the 2022 escalation of 3.31% to Morsony's approved 2021 rate for a 2022 rate of \$515 after rounding to the nearest five-dollar increment.
[7] Morsony 2023 Rate	We apply the 2023 escalation of 4.46% to Morsony's 2022 rate and the first step increase of 5%, per D.07-01-009, for an approved 2023 rate of \$565 after rounding to the nearest five-dollar increment.
[8] Hawiger 2023 Rate	D.23-03-042 approved a 2022 rate of \$670 for Hawiger. We apply the 2023 escalation of 4.46% to Hawiger's 2022 rate and the first step increase of 5%, per D.07-01-009, for an approved 2023 rate of \$735 after rounding to the nearest five-dollar increment.
[9] Finkelstein 2022 Rate	D.23-04-022 approved a 2022 rate of \$805 for Finkelstein.
[10] Stephens 2021 Rate	TURN requests an hourly rate of \$315 for Stephens in 2021 in the role of Electrical Engineer – Level V. The information provided by TURN in this claim states Stephens is a consultant that charged TURN an hourly rate of \$325 for limited consulting work. TURN does not seek reimbursement for his entire hourly rate, but requests the Commission authorize an hourly rate of \$315 for Mr. Stephens for 2021. We find this request reasonable and approve a 2021 rate of \$315 for Stephens.

PART IV: OPPOSITIONS AND COMMENTS

Within 30 days after service of this Claim, Commission Staff or any other party may file a response to the Claim (*see* § 1804(c))

A. Opposition: Did any party oppose the Claim?	No
B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	Yes

FINDINGS OF FACT

1. The Utility Reform Network has made a substantial contribution to D.23-02-017.

2. The requested hourly rates for The Utility Reform Network's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$455,391.25.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. The Utility Reform Network is awarded \$455,391.25.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay The Utility Reform Network the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning June 4, 2023, the 75th day after the filing of The Utility Reform Network's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.

This decision is effective today.

Dated _____, at Stockton, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D2302017		
Proceeding(s):	A2009019		
Author:	ALJ Amin Nojan		
Payer(s):	Pacific Gas and Electric Company		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Utility Reform Network	March 21, 2023	\$470,158.13	\$455,391.25	N/A	See Part III.D CPUC Comments, Disallowances, and Adjustments section above.

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Robert	Finkelstein	Attorney	\$780	2021	\$780
Robert	Finkelstein	Attorney	\$805	2022	\$805
Camille	Stough	Attorney	\$400	2021	\$370
Camille	Stough	Attorney	\$415	2022	\$380
David	Cheng	Attorney	\$425	2021	\$425
Hayley	Goodson	Attorney	\$550	2021	\$550
Thomas	Long	Attorney	\$630	2020	\$630
Thomas	Long	Attorney	\$780	2021	\$780
Katy	Morsony	Attorney	\$375	2020	\$375
Katy	Morsony	Attorney	\$500	2021	\$500
Katy	Morsony	Attorney	\$515	2022	\$515

Katy	Morsony	Attorney	\$565	2023	\$565
Marcel	Hawiger	Attorney	\$455	2020	\$455
Marcel	Hawiger	Attorney	\$650	2021	\$650
Marcel	Hawiger	Attorney	\$670	2022	\$670
Marcel	Hawiger	Attorney	\$735	2023	\$735
Eric	Borden	Expert	\$220	2020	\$220
Eric	Borden	Expert	\$430	2021	\$430
Dennis	Stephens	Expert	\$315	2021	\$315
Stephen	Green	Advocate	\$130	2021	\$130

(END OF APPENDIX)